

TYRANNY
N O
MAGISTRACY,
O R

A modest and Compendious

*Enquire into the nature, and boundaries of that
Ordinance of MAGISTRACY.*

W I T H

An essay to Demonstrate it's specifick distinction
from Tyranny.

By an Enemy to Tyranny and lover of true Magistracy.

2 Sam: Chap. 23. vers 3. *He that ruleth over men must be Just, ruling in the fear of God.*

Prov: Chap. 28. vers 15. *As a roaring Lyon and a ranging Bear; so is a wicked Ruler over the poor people.*

Printed in the Year 1687.

24841

e

8



194

THE UNIVERSITY OF CHICAGO
LIBRARY



S Magistracy, that excellent ordinance of God (whereon much of his Sovereign Majesty and glory is impressed) is not amongst the smallest priviledges of the sons of men; they being thereby not only preserv'd in their well and better being, but even in their real and true being; injoying thereby, not only Religion, Right and Property, but even life, freedom and safety from all the other inconveniences in the world; and that whilest these due bounds and limits, which God has appointed in his Word, and given men to know by reason, are so strictly observ'd, that Magistracy is thereby preserv'd; so, when through the breach thereof there is a full perversion into Tyranny, that, which once was the greatest priviledge and blessing, does then become the greatest misery and curse, according to that maxime, *corruptio optimi semper pessima*. But such a plague (and so much the greater, that the world hath bin rather doteing on, then seeking a remedie against it) hath overtaken this generation, that very properly an allusion to that of *Isaiah* may take place, *Isai. 44. ver. 16. Where he speaks of such as take a peece of wood and burn part thereof in the fire; with part thereof he eateth flesh: roseth rost and is satisfied; yea he warmeth himself and sayeth Aha, I am warme, I have seen the fire. And the residue thereof he maketh a God, even his graven Image; he falleth down unto it and worshipeth it, and prayeth unto it, and sayeth, deliver me; for thou arte my God.* Such hath bin the madness and folly, even of the true Christian world, that they have set up persons most unfit for Government; and enlarged their power beyond the due limites, that tyranny and oppression in the very abstract has bin visible both in their persons and Government, and yet worshiped as so many Idols, and all absolute obedience and non-resistance pleaded for, to an absolute power and tyranny. One great reason whereof is, that foolish notion of the sacredness of power in possession, never inquiring into right and title; and the due distance, distinction and boundaries of Magistracy, and Tyranny; that are as specifically distinct, as right and robbery: honesty and knavery: a blessing and a curse. Hence nothing would be more usefull and advantageous to the world, then to be induced to a serious inquirie, how these are to be distinguished by their true characters. And

that the matter may be the more clearly illustrate, the question shall be stated thus ;

What is it, that makes a just and lawfull King, or Magistrate, and doth continue them such.

The which question shall be answered ; first, negatively, and then positively : Negatively, by removing what it is that doth not : positively, in a plaine asserting and proving what it is that doth. In the negative part, there are these two would be removed ; first, that it is conquest that doth it ; and secondly, that it is an hereditary title that doth it.

That conquest is not that which doth it, will easily be granted by all men ; for a man by violence may mount a Throne, and yet be no just and lawfull King. *Abfolom* did mount the throne, and yet was no just and lawfull King, as in 11 *Sam.* 15. *Chapt.* more particularly it is to be observed in the 19. ver. *where David designs him by the title of King, which in effect was only an usurped title, he having come to it only by violence and robbery. Zimri did the same, and yet was no just and lawfull King, as in 1 Kings 16. from the 9. ver. we find his conspiracy against his master and killing of him : and after his establishment upon the Throne, a destroying of all the house of Baasha, and in ver. 16. when the people heard thereof, they made Omri King over Israel in the Camp, and in the 17, and 18, ver. Omri pursued him, and took the City, so that Zimri went into the Palace of the Kings house and burnd' the same over him with fire. Athaliah destroyed also all the seed Royall of the house of Judah, and by violence took possession of the power, as in 2 Chron. 22. ver. 10, 12. And yet Joash is made King, and she destroyed ; as in the following Chapter 12, 13, 14, ver.* Many more examples of this nature might be added : but we shall only say this by way of argument, and so have done ; that seeing neither the word of God, nor reason does command, or allow a King, or any other Magistrate to mount a Throne, and accordingly to take possession of the power by violence, and that it would be a thing of most dangerous effects, if the minds of people should be posselt with any such principle ; (for there is such a lust and propensity in the hearts of men to govern, that they would seek out all occasion to destroy the very best of Magistrates ; and thereby the people might be robbed of the very best of Governours and Government : for the same principle that

that makes a man usurp a power, makes him also usurp an unjust and unlawfull power,) it's evident that conquest makes not a good right. Now this being ended, our next is to inquire into that of an hereditary title, and we shall state the argument thus;

Quest. Whether or not doth an hereditary title really in it self give a full and real power to a King, and thereby make him a just, and lawfull Magistrate.

Ans. That which neither in it self, nor by the Law of God, nor reason is necessar, or essentiall to the being of a King, can never make a King; but an hereditary title neither in it self, nor by the Law of God, nor reason is necessar, or essentiall to the being of a King; therefore hereditary title can never make a King. The major I hope none will deny; the minor I prove thus; as for the first part of it, Viz: that an hereditary title in it self, doth not make &c. It is clear that hereditary title in it self, doth not make a King, or then Kings could never have bin made without it, but Kings have, are, and may be made without it, Ergo &c. And as for the latter part, that the word of God, nor reason does not allow of it, nor command it, I prove thus,

That which doth expressly thwart and contradict the word of God and reason, must be inconsistent with the word of God and reason; but that an hereditary title should be necessar and essential, and accordingly make a King doth expressly thwart and contradict the word of God and reason, ergo &c. which I prove thus,

The word of God, and reason do expressly command and allow that a Magistrate should have suitable qualifications for the office, as in *Deutr. 17.* from *ver. 15.* there the qualifications of a King are held forth and commanded; I shall only mention one of those, which is this, that he should not be a stranger born: which does clearly import that he should not be of a strange Religion; for the reason why the Lord did lay such strict commands upon his people not to marry with strangers, was not but that they had the bodies of men and women as good as they, but that they were of a strange Religion and might draw them away to Idolatry; and seeing the word of God does expressly command these qualifications as necessar and essential, certainly reason does command and allow that a people should have a respect to

the glory of God, their own good and safety, and accordingly make non King, but such as have these necessar and essentiall qualifications: but that hereditary title, (which many do boast of,) does allow and essentially make him a King, whether he have these qualifications, or not; though he should be born a monster and not a man; a mad man and not a sober man; a fool and an ideot, and not a wise man; a stranger and of a strange Religion, and not a native, nor of the Religion of the Land; yea though he were given to all manner of wickedness, yet he is said to be a born King, and accordingly the Lords anointed: wch is altogether inconsistent with the word of God and reason. But that we may give satisfaction more fully to all persons concerning this matter, let us inquire yet a little further into the nature of this hereditary title, who it is that gives this title and what it is they can give. I know that some of the wil'd of the earth, who would flatter Princes and cheat the people out of their rights and liberties do plainly say, that it is God only gives it, and that all Kings have their right and power only, and immediatly from God and so are accomptable to non but God. I would gladly know where those Kings got these ladders, by which they went up to Heaven to get those rights devolved upon them, and their Families, or if there be such a thing recorded in Scripture, that such and such men should by an hereditary title Reign as Kings on the earth, and in such and such parts of the world, or if this right of reigning must only and immediatly flow from the people. There is nothing more certain than, that it is the gift of the people, if it be not the effect of conquest, which is already spoke to, and excluded. And therefore we shall next consider what a people can give, and what the extent of this hereditary title can be. And it must be understood, that a people can give no more then they have to give, which is, that if they be persons so and so qualified for the office; then they shall be preferred before others to such an office: but if a people should absolutely say and determine that such a race and Family should be their born Kings, that were to take Gods power unto them; for it is not in their power to bring such a thing to pass in respect of these many natural accidents that are in the way, yea it were the very way to make themselves slaves; and to bring that curse upon them, that is there threatned in, *Hos: 8.*

ver. 3. 4. and accordingly to forfeit Gods protection. So that the extent of this hereditary title being only a promise in the people that such a race shall succeed to such an office being qualified for the same, it must of necessity follow that the people must be Judges of this matter: for no forraign power can determine therein, the people being only and immediatly concerned therein. Let us now go to the case of *Saul* and *David*, and there we find, though *Saul* had Gods absolute promise for it from the mouth of the Prophete (for non can make an absolute promise of this nature, but God only) and that also the Prophete did confirme the same unto him by anointing him with oyle, and telling him whome, and what he should meet with by the way; yet all this did not make him King: for this was only a secret act of the Prophete, whereby he did make known Gods minde and promise unto him; for when *Saul* was made King, the people were gathered together for that purpose, and presented before the Lord by their trybes, and by their thousands: and when *Saul* was taken by lot, he was lying hidde amongst the stuffe, being it seemes affrayed and doubtfull, whether he should be chosen King, or not; as you shall find in *1 Sam. 10. ver. 20, 21, 23.* And accordingly *David*, though he had the Lords promise in the same manner, yet he was not really King for many years after, until the death of *Saul*; and he was first made King of *Judah*; and did Reign seven years and six moneths, before he was made King over *Israel*, until all the tribes went to him in *Horeb*, and *David* made a League with them, and then they anointed him King over *Israel*. Now seeing we finde clearly the Lords promise (which was absolute) was not that which did really make them Kings, far less doth the lame promise of the people do it, which (we have made manifest already) may come to nothing. I know some do alleadge that there was an hereditary right settled upon the house of *David*: but we finde that it was only a secret promise of God to *David* upon conditions, that if he and his family should keep Gods Covenant, then the Lord in his providence would so order it, that there should not be one of the family wanting to sit upon the Throne, and this promise was not made to *David* simply as he was a King; for then it should rather have bin made to the house of *Saul*; because he was before him: for God did blefs him with severall blessings that no King on earth can pretend to; as his being a

Pro:

Prophete, and Christs coming out of his race. Yea that Prophecy and blessing of Jacob to his Children in the 49. of Genesis, ver. 10. *The Scepter shall not depart from Judah, nor a Lawgiver from between his feet, until Shiloh come*, was fulfilled in the person of David and his house; as vve shall finde by Davids ovvn vvords in 1 Chron: 28. ver. 4. *Howbeit the Lord God of Israel chose me before all the house of my Fathers to be King over Israel for ever: for he hath chosen Judah to be the ruler; and of the house of Judah the house of my father; and amongst the sons of my father he liked me, to make me King over all Israel, &c.* I knowv some do alleadge this hereditary title to be the absolute promise and gift of the people and therefore becomes as really the right, and property of that race and family, to vvhom it is given, as any other estate does go from father to son. Although there be enough sayd both from Scripture, and reason sufficiently to ansvver the same, yet vve shall come to matter of practice in these Nations, vvhere this hereditary title has bin most in use. And in the first place, vve shall consider the reason of this hereditary title, the title it self, and the practice of the people concerning those, to vvhome it did belong.

As for the reason thereof, there can be no other reason given then this, that often times families fell a contending for the Government and thereby the shedding of blood vvvas occasioned, and therefore the people (to take avvay this inconvenience) thought fit to settle the title to an office upon a particular race.

As for the title self, though the very vvords granting it, may seem to be absolute, admitting of no condition, or qualification vvhatsoever; yet it cannot be thought, that any Nation vvho knevv any thing of a God, much less a Christian Nation, and of the Reformed Religion vvould ever set the povver and providence of God so at nought, as not to respect the same in the doing of this very thing: for though men do frequently say, that they vvill go such avvay, or do such a thing, yet it is alvvays understood, that they do respect the povver and providence of God in this matter, that they neither can go any vvay, or do any thing, vvithout God concur vvith them in giving them those necessar qualifications, as health, strength, reason and understanding; and every vvay make his povver and providence good for them therein. So it must be understood of such a Nation,

tion, vvhen they give such a right, that as they are lead by some reason for the doing thereof, so they do not intend thereby to destroy reason, Religion and nature, and accordingly to set the povver and providence of God at nought. For it vv ere against reason, Religion and nature, and a defying of Gods povver and providence for a people to give up themselves blindfoldedly to such a race, in such an absolute manner as that. And as for the practice of the people concerning those to vvhome this title did belong, vve shall find, that in Scotland, England and other parts of the vvorld, vvhen the people did find that those persons, to vvhome this hereditary title did immediately belong, were unqualified for the office, that they have taken it from them, and given it to the next in line being more qualified for the same. Now if this promise and gift had bin so absolute, as some do say, so as that these persons by their birth had bin Just and lawfull Kings, it had not bin in their power to have taken the same from them. But seeing we have said enough from Scripture, reason and the practice of the people to prove that this hereditary title neither in it self, nor by the Law of God, or reason, is necessar, or essentiall to the makeing of a King; and that it is inconsistent with the word of God & reason, that a King can be made thereby; let us now consider what it is that doth really make a Just and lawfull King, and continue him such.

It is necessar to be considered, that no supreme Magistrate comes justly to the power without the call and election of the people; and that the people are to call and elect non, but such as have those necessar and essentiall qualifications.

First, that he be a man; and not a monster. Secondly, that he be a prudent, wise and sober man; and not a fool, an Ideot, or a mad man. Thirdly, that he be of the true Religion of the Land; and not of a strange Idolatrous Religion. Fourthly, that he be Just and upright. I know, no rational man will object against the first two, and therefore I shall labour only to prove the absolute necessity of the last; that he be of the true Religion of the Land; and not of a strange, Idolatrous Religion: and I do it thus; First, the Lord has commanded it in his Word; secondly, reason does also injoyne it. Thirdly, from the bad consequences that may follow, if it be not. Now that

that the Lord has commanded it, is clear from that of *Deut. 17. ver. 14.* It is like some will object, that this command was judicall and only binding upon the Jewes, they being more immediatly under Gods own Government: but if the Text of Scripture be considered, there can be no such mistake: for this is a Government common to other Nations, to which God grants them a liberty, these due measures being observed, which a people, or Nation (who do worship the true God in the true manner) ought to secure their Religion and liberty by. Now that reason does injoyne it must natively follow; for that people, who would secure their Religion and Liberty, could not at all be accounted men of reason, if they should set up an Idolater to be their King. For it is too well known to the true Christian world that no bondes can binde an Idolater, (especially a Papist) who by the nature of his Religion and these his religious vovves, does not only stand at liberty, but obliedged upon all occasions to break all vovves and Oaths whatsoever, to those of the true Religion, when it does in any measure prove consistent with the destruction of the true Religion, and the advancement of Idolatrie: and it must also follow, that the worst of consequences will attend thereupon. For thereby a people are guilty of rebellion against God by not observing, but rather forsakeing those due measures, that the word of God and reason has commanded, and do accordingly forfeit Gods protection: and it must of necessity be said, that they have cast off that which is good, and that the enemies shall pursue them, as it is sayd of that people, *Hos. 8. ver. 3, 4.* And as the worst of misery must follow thereupon, so it must be acknowledged, that they have brought it on with their own hands. And so long as they continue unpenitent for this their rebellion against God, and treachery to their native Land, they can not pray with hopes that God will either help, or relieve them out of their misery.

And that he be Just and upright, is most absolutely necessar: for that Magistrate, who is not Just and upright in his office, can no more be said to be a Just and lawfull Magistrate, then a thiefe, or a murtherer can be said to be an honest man. *David* in his last words gives this as a thing most absolutely necessar and essentiall to the real and true being of a Magistrate, in *2 Sam. 23. ver. 3.* *The God of Israel said,*

said, the rock of Israel spake to me, he that ruleth over men; must be Just, ruling in the fear of God: This Text of Scripture does not say, that it is necessary he should be Just, so as he might be the better Magistrate (for that were only necessary to the well being of a Magistrate) but that he must be Just, so as without it he cannot at all be accounted a lawfull Magistrate: and accordingly Jethro, Moses Father in law gives this also, as a thing most absolutely necessary and essentiall to the true being of a Magistrate, Exod. 18. ver. 21. Moreover thou shalt provide out of all the people, able men; such as fear God: men of truth, hating covetousness, and place such over them &c. And it is a thing well known to all the world, that the want of this can not be dispensed with in any manner of employment whatsoever: for the meanest treadsman is obliged to be Just and upright, or if otherways he be found to malverse in his office, by cheating of people, he can no more be looked upon as a Just and lawfull treadsman, but a cheat and a rogue. Now as it is most certain that the electing and choosing of a King is the proper, true, Just, and radical power of the people, and that they for their convenience, further good, and safety do chuse a King, so for their convenience they do not now meet by their tribes and thousands, as in the days of old: but do chuse their representatives, and the representatives the King. So that if the representatives malverse, the people may call them to an account, and if the King malverse, the representatives may call him to an account; and if both malverse, the people may call both to an account: for both are chosen for the convenience, good and safety of the people & derive their power only, and immediatly from them, as the only qualified under God for giving the same unto them.

Now it is to be considered, when a people do call and chuse a King, that there are termes and conditions agreed upon by both parties; the people they do convoy and give into his hands the Just and lawfull power of the supreme office in the state, and accordingly he does receive the same from them, promising faithfully to hold, possess, or use no other unlawfull or tyrannicall power: but by virtue of that Just and lawfull power, to maintain and preserve all those rights and priviledges; wherewith God has blessed them, both sacred and civill, and as the peoples Magistrate to exercise the same for the glory
of

of God and their good and safety: for there is nothing more certain, then that all Magistrates whatsoever are really ordained of God, and do receive their power from the people to minister thereby for their good; and accordingly the people do promise to maintaine and defend them as such; This appears further from 1 Kings 12. ver. 7. The old men, when they gave their advice to Rehoboam, it was to this purpose; *And they spoke unto him, saying, if thou wilt be a servant unto this people this day, and wilt serve them; and answer them, and speake good words to them; then they will be thy Servants for ever.* Now when this man, who is to be their Magistrate, has this power 'onvoyd' unto him by the people, and does promise to the people; to maintaine, preserve and accordingly to act by vertue of the same, it must necessarily follow that he is either really sincere and upright in his undertakeing and promising, his heart being fully determined to comply with the minde and purpose of the people, and accordingly to become the Minister of God for good to the people, having nothing else before his eyes but the glory of God, the good and safety of the people, over whome he has that charge, or then he is fals and treacherous, and does only dissemble with them, takeing occasion thereby only to possesse himself of the power, that then he may act according the purpose of his own wicked heart; if he be real and sincere in his promises to the people, there is nothing more certain then that he is a Just and lawfull Magistrate; but if otherways he be fals and treacherous, and does only take occasion by his thus receiveing of the power, to change the same unto an unjust, unlawfull, arbitrary, wicked and tyrannicall power, and accordingly to rob them of their rights and priviledges, both sacred and civill at his pleasure, then he can not at all be said to be a Just and lawfull Magistrate, but a deceiver and a tyrant: for a people can do no more, then put a Just and lawfull power in his hand; and accordingly to cloath and possesse him with the same: but it still remains that God give him that grace of justice and uprightnes to maintain, preserve and accordingly to act by vertue of the same, as Prov. 8. ver. 15, 16. *By me Kings Reign and Princes decree Justice. 16. By me Princes rule and Nobles, even all the Judges of the earth.* Now, though there may be some that pervert and wrest this Scripture to a proveing that Kings have their power immediatly from

from God, yet the true meaning of it is, that a King being lawfully chosen and set up by the people, it's God that gives him the Spirit of Government, whereby he is in a capacity to exercise that function, whereinto he is first installed by the people; so that it does sufficiently prove what we were saying. For when a people has brought a Magistrate to a Throne of Justice, and accordingly put a sword of Justice in his hand; if he from the wicked purpose of his heart shall immediately leave and forsake that Throne of Justice, and go to a Throne of iniquity; whereby he shall frame and establish mischief by a Law, and change that sword of Justice into a sword of injustice, by destroying that very interest, which he should have maintained; and become a murderer of those, whome he should have defended, there is nothing more clear and certain then that he is no longer a Just and lawfull Magistrate.

Now this is to be known severall ways; one way is this, that so soon as he has received that Just and lawfull power from the people, and findes himself well fixed therein, if he shall immediately declare his fals teracherous, and sinistruous end in receiving that power, and that he was only dissembling with the people in all his vowes and engagements, that were upon him, to them, and accordingly formally renounce those very vowes and engagements that were upon him to the people, and declare himself an enemy to that very interest and people, which he should have preserved and defended; then it is most clear and certain that he is no Just and lawfull Magistrate. The next way is this, that though he should not do it in such a formall way, yet he may do it practically, as many have done, who did not finde it their interest in a formall way to renounce their vowes and engagements, but upon the contrary have indeavoured what they could to blinde the eyes of the people, by all fair promises whatsoever, and yet nothing has bin more clear and certain, then that their practice has bin quite contrary; and that the people have found to their sad experience many a time; as those two *Queen Maryes* of Scotland and England, both of them at that very instant of time, vvhhen they vv ere destroying the Protestant interest, and murdering true Protestants vv ere not vv anting by all fair means to persvvade the people of their resolute and unchangeable purpose to maintain the same. I knowv

some vwill object, and say that though a Magistrate be found qualified for the office, as to all outvvard appearance and have the povver lavvfully convoyed to them, yet the people are still uncertain, vvwhether he be their lavvfull Magistrate, or not; and so are not obliedged to maintain and defend him as their Just and lavvfull Magistrate, or give him any obedience, as such. To vvwhich I ansvver, that vvhen a people do diligently inquire into the qualifications of a Magistrate, and as to all outvvard evidences, they are assured and convinced of his suitable qualifications for the office; and accordingly do convoy unto him the Just and lavvfull povver belonging to the office; though his heart be fals and treacherous, yet he is to them a Just and lavvfull Magistrate, so long as he doth not discover any thing to the contrary. Neither is every act of vvickedness in a Magistrate, that vvwhich doth really unmagistrate him; though I hope non vvill deny a Magistrate ought to be as circumspecke as any other: for certainly he, vvho is to punish vice and vvickedness, should not be a bad example to others. I knowv some do alleadge that a King is above the Lavv, and may do vvhat he pleaseth: but non vvill say so, but Court-flatterers; and non vvill pretend to such a povver, but tyrants and oppressours: for a person, vvho pretends to be above the Lavv of a Nation, does thereby exclude himself from the society: that being nothing else but a consociation of many persons of vvhat ranks somever under common Lavv, and so is incapable of any office in that Nation: but vvhen a Magistrate does either formally, or practically break his Faith to the people by proveing fals and treacherous, and does thvvart and contradict the very end, for vvwhich he vvvas ordained, and becomes a destroyer and murtherer of that very interest and people, vvwhich he should have preserved and defended, he does then sufficiently demonstrate himself to be no lavvfull Magistrate, but a tyrant and an oppressour. Some do object, I knowv, and say that a Just and lavvfull povver being once convoy'd unto a Magistrate by the people, even though he should malverse never so much, and act never so vvickedly in the povver, yet still he does remain a Just and lavvfull Magistrate, untill that povver, vvwhich gave him the povver, do in the same manner take the povver from him. Though vvhat I have said already does sufficiently discover the vveakness of this argument, yet I shall give

give a particular answer thereto. As it is only in the people to give a morall, externall power, so as to render him a lawfull Magistrate, upon supposition of his justice and other necessary qualifications, which are gifts of God; and that it does still remain that God give him that internall and effectuell power, whereby he does become really and in effect a Just Magistrate, as in that forecited place of *Proverb. 8. ver. 15, 16.* so the not formally taking away this morall, externall power, does not at all continue him a Just and lawfull Magistrate: for when a murderer committes a murder and afterwards is brought before a Judge, and sentenced to die for the same; it is not the sentence of the Judge that does really, materially, and in effect make him a murderer, but only formally and declaratively, and accordingly punishes him for the same; but it is his committing of murder, that does really, materially and in effect make him a murderer. For though he should never be brought before a Judge, or receive the sentence of death, yet from his very committing the act of murder he is really, materially and in effect a murderer. So that it is very strange that some are pleased to say, that a Magistrate having once the power conveyed unto him by the people though he should act never so wickedly, yet the power does still remain the same, so long as he is not formally divested; and that these acts of wickedness are only the bad exercise of that lawfull power, which was given him of the people; whereas Gods withholding the qualification of justice, and other qualifications supposed, the power granted upon the supposition falls *ipso facto*, without any declarative sentence; and the people have a right whenever an opportunity occurs to reject such a Magistrate. And it is, as impossible that a Just and lawfull Magistrate, by vertue of a Just and lawfull power, can bring forth acts of wickedness, as it is impossible for a good tree, by vertue of it's goodness, to bring forth bad fruit. For the exercise of the power is, as the fruit from the tree; so that if the exercise of the power be wicked and unjust, there is nothing more certain, then that the power it self must be wicked and unjust; and that, which once was a Just and lawfull power, must be changed into an unjust and unlawful power. For as a tree is known by it's fruites, so is the power known to be Just by the good acts thereof. And when our

blessed Lord and Saviour vvas charged by the Pharisees of possessing
 a vicked and bad povver in casting out of Divells by the povver of
 Beelzebub the Prince of the Divells, he gives no other reason for a
 certain proofe of the goodnes of that povver, by vvvhich he acted,
 then these very good acts thereof, as *Matth. 12. ver. 24, 25, 26, 27,*
28. The Apostle *Paul*, vvhen he does commend obedience to higher
 povvers, as those povvers, vvvhich are ordained of God, vvvarning
 them not to resist the ordinance of God, he does not leave people in
 the vvildernes, but gives this as the certain and true Character of
 Just and lavvfull Magistrates, that they vvvere not a terrour to good
 vvorks, but to the evill, and that they vvvere the Ministers of God to
 the people for good, *Rom. 13. ver. 3, 4.* And accordingly the Apostle
Peter, in his *1 Epist. 2. ver. 14.* gives the same Character, that
 they are for the punishment of evill doers, and for the praise of them
 that do vvell. So that this is the very Character by vvvhich Just and
 lavvfull Magistrates are knowvn to be such; I knowv some vvwill object
 and say, that the Apostles gave command to obey these very Ma-
 gistrates, vvho vvvere then in place; and they vvvere the quite con-
 trary; for they vvvere not a terrour to the evill vvorks, but to the
 good. But I hope non, vvho are in any measure acted by reason and
 Religion vvill ever alleadge, that the Apostles did thvvart and con-
 tradict themselves, or that they vvvere lying and dissembling to the
 people: but that this vvvas given as a standing command for all times
 to come; that the people should give obedience to those Magistrates,
 vvho should act by vertue of Gods ordinance, and therefore gives
 them the certain and true Character, by vvvhich they shall knowv
 such Magistrates, so that the Apostles doctrine, doth not atall clash
 vvith the necessity of obeying God rather then man. But I knowv
 some do alleadge that *Paul* gave obedience to those very Magistrates,
 and did appeal unto *Cesar*, vvho vvvas a vicked tyrant, and thereby
 did acknowvledge them to be Just and lavvfull Magistrates. To all
 vvvhich I ansvver, that neither the Apostle by his practice consonant
 to his precept, doth acknowvledge *Cesars* being a Just, or lavvfull
 Magistrate; nor yet doth his precept, vvvhich is certainly perpetuall,
 extend beyond the case and state of the people he vvrote to; to vvvit
 the called to be Sanctes, vvho vvvere in Rome, *Rom. 1. ver. 7.* no

great number not to the whole body of the Roman people: then it is concerning a power established, though not lawfully, or by consent of the people; yet by the ordinance of God, for his own wise endes, which doth neither communicate justnes, nor lawfullnes to that power, but single possession. For though God in his Justice sets up a tyrant, who has no pretence of right, for a peoples punishment, and that tyrantes possession of power is an ordinance of God for a time; yet the invader is neither Just, nor lawfull Magistrate, as it's like non will deny: but such as he is, Magistrate in possession, the debelled and subdued by him, (according to the Apostles practice and doctrine), are free to plead before his Courtes, and obliedged to submit to their civill sentences, not only for wrath (which is a good reason of prudence here allowed, they not being in a condition to remove his yoke from them) but also for conscience sake, discerning clearly, that God has ordained that power to be over them, or them to be under that power, untill he send an opportunity of outgate and deliverance, which, non can deny, they are obliedged to lay hold on whenever it presentes. But that the Apostles doctrine commanding subjection to that ordinance of power, and his practice of appealing to *Cesar* may be the better understood, it's fit to consider what he writes to the Corinthians 1 Epist. 6. ver. 1. *Dare any of you, haveing a matter against another, go to Law before the unjust, and not before the Sanctes?* He rebukes them in the 7. vers. *Now therefore this is utterly a fault amongst you because ye go to Law one with another; why do you not rather take wrong? why do you not rather suffer your selves to be defrauded? There is utterly a fault in you that you have pleaes amongst your selves, each of you should deal justly with all men of choice, voluntarily, and without need of being compelled.* Nay (ver. 8.) *you do wrong, and defraud, and that even your bretheren.* Here is the highest degree of the fault: but to the persons wronged he sayes vers 7. *why do you not rather suffer your selves to be defrauded? then have a plea with your bretheren?* before what ever Judge it be (as the text most clearly importes) non must thinke, that there is here a command not to implead a brother, as is clear by the 2, 3, 3, 4, 5, ver. *Do ye not know that the Sanctes shall judge the world? and if the world shall be judged by you, are ye unworthie to judge the smallest matters?* 3. *Know ye not that we shall judge Angels,*

hou much more things that pertaine to this life ? 4. If then ye have Judgements of things pertaineing to this life, set them to judge who are least esteemed in the Church. 5. I speake to your shame. Is it so, that there is not a wise man amongst you ? No not one, that shall be able to judge between his bretheren. Nor yet is it commanded as a positive duty to suffer defraud from a brother, much less in such a measure as is inconsistent with what the Apostle writes Rom. 12. ver. 17. *Recompence to no man evill for evill. Provide things honest in the sight of all men.* 2 Corint. chap. 8, ver. 21. *Provide for honest things, not only in the sight of the Lord. but in the sight of men.* 1 Timoth. 5. ver. 8. *But if any provide not for his own, especially for those of his own house, he hath deny'd the faith and is worse then an infidele.* But this question, why &c. ver. 7. importes an advice in reference to a tollerable loss, to an eminent degree of Charity towards the bretheren in matters of *meum & tuum*, and is of the same nature with these proposed 1 Corint. 7. ver. 38, 40. *So then he that giveth her in marriage, doth well : but he that giveth her not in marriage, doth better.* 40. *But she is happier if she so abide, after my judgement, and I thinke also that I have the Spirit of God.* Then the question proceeds thus, if one keep back from another what of right he should have, and the other is not able, or yet has not that measure of Charity to bear the losse; or if there be doubtfull questions of Law amongst you, why do you not chuse by consent a wise man of the best esteemed in the Church to judge between his bretheren, to whose determination you should stand; and not leave your selves under a necessity (as that is of ones being wrong'd and defrauded of all his meanes) of impleading the bretheren before infideles. Note by the way, that the whole argument runs upon matters commonly called *civill*; not *criminall*, as Murther, Robbery, Adultery &c. Upon which they were not then in case to appoint Judges, or indued in any case to coact, or compell: the next step he makes is upon the supposition, that they have of their bretheren persons condescended upon to determine their differences ver. 1. *Dare any of you &c: implead or pursue before the unjust and not before the Sanctes.*

From the whole these things will be clear to a discerning person, First, that in *criminales*, upon which they could have no Authoritative Judges of their own; and in *civills*, in case by common fault they

they had non appointed of their own, and also in case the injuring party would not stand to the Sentence given (they having no power to compell him) they might lawfully pursue before the power in being, though infidele : albeit in the last two cases it were more Charitable to bear a comfortable loss ; and in all cases, though the loss be not borne the injury must be forgiven , and vengeance laid aside according to *Matth. 6. ver. 14, 15. For if ye forgive men their trespasses, your heavenly father will also forgive you. ver. 15. But if ye forgive not men their trespasses neither will your heavenly father forgive your trespasses.*

Secondly, That the party defendor in a just defence may plead before any Judge he is called to, and appeal from an inferior to a superior, if expedient for his safety, or cause.

Thirdly, That the just Sentences of such Judges are to be obeyed for conscience sake ; and the unjust may be yielded to (in civill cases especially) if there be no shunning it, for wrathes sake ; and in such things, one may still chuse the greater conveniency, provided it be done *salva innocentia* : as he who by an unjust sentence is appointed to pay 100 Crownes at a certain day, or 200, if he pass it, may justly and innocently save 100 by preventing that set day.

Fourthly, That what is done in any of these cases, doth no way acknowledge an usurped power it's justness, or it's lawfulness, but only, (which can not be denyed) it's existance, And moreover it is not persecuting Religion simply, as it is Religion, that unmagistrates a Magistrate, and thereby makes him become a Tyrant ; but it is the persecuting of Religion as it is the right and priviledge of a Nation. For those Magistrates, who did then persecute Religion, were not at all guilty of the breach of Faith and trust to the people ; because they were not under any ingagement to the people to defend the same ; in respect of Religions not being the right and priviledge of those Nations : therefore the persecuting Religion did not in the least unmagistrate them : but it is a far different thing where Religion is become the right and priviledge of the Nation ; and the Magistrate formally ingaged to maintain and defend the same ; Then persecuting Religion is a formall breach of his Faith and trust to the people, and a robbing them of the best and choicest priviledges that they have, upon which
all

all their other priviledges have a dependency. For there are some priviledges that a people can dispence with the want of: but this is such a priviledge, that the want thereof can not be dispenced with. For if they should dispence with the want of Religion, then they should dispence with the want of God also; for by their forsakeing of Religion they forsake God also. I know some will object, and say, that the Magistrates may change their own Religion and yet not take from the people theirs, and so not be guilty of the breach of Faith and trust to the people. To which I answer, that the Magistrates changing from the Religion established forfeits, *ipso facto*, his right of Magistracy: and when the Religion is condescended upon by the people, and the Magistrate formally ingaged to maintain and defend the same; his very changing therefrom is a breach of his Faith and trust to the people, and thereby he becomes a Traytour to God and his native Country. But it's like some may alleadge, that a Magistrate may give a tolleration of Religion, and thereby tollerat a false Religion. To which I answer, that if the Constitution of the Government does allow of the same, and it be done by the consent of the people, or their representatives, the Magistrate is the more excusable: but if it be done contrary to the expres Laws of the Land, and without the consent of the people or their representatives, the Magistrate in this case is no less then a thiefe and a robber; and as there is a curse due to such as do remove the Landmarkes, and that as to the civill and common Interest of men amongst themselves, *Deutr. 19. ver. 14. and 27. ver. 17. Proverb. 22. ver. 28.* certainly there must be a great curse due to such as do remove the Landmarkes of the Land, upon which the good, peace and safety, yea and glory of the Land does depend. And as *David* understood it well to be his duty to pray that *God would confound all such as did worship graven Images, Psal. 97. ver. 7.* Certainly it is the duty of the people of God to pray that God would confound such as do, not only worship 'graven Images, but establish the same in a Land, where the Glory of God has shined brightly in his pure Ordinances; and that contrary to the Laws of the Land and consent of the people. And as there is a command by the Lord to stone to death such as should but secretly intice and lead the people away to Idolatry, *Deutr. 13. ver. 6. and 17, ver. 2, 3, 4, 5, and 6.*

cer-

certainly this command must in a great measure reach him, who does the same in such a publick manner. But I know some will yet alleadge that NERO was not only a persecutor of Religion, but he was otherwayes a persecutor and destroyer of his people, and was really a Tyrant, and an oppressour. That he was once this, I do acknowledge; but that he was such at that time, I will not so easily grant, in respect of the good intertainement *Paul* had from him. And those very Historians, who do say that NERO became a Tyrant, do also say that it was not in the first five years of his Reign, but that for the first five years he Reigned as a Sanct, so that the people said, that a God was come down from Heaven to govern them. But grant he had bin a Tyrant, it was not *Paul*'s interest to call it in question being only a stranger, and what he did might have bin done by him, though he had fallen unto the hands of thieves and murtherers by the way. For if a man should fall unto the hands of thieves and murtherers by the way, and if they were going to take away his life, if he knew any of them to have a greater power then another, and to have some title of honour above others, it were no sin in him to make application to him in the same manner, by giving those titles of honour that were any ways common and ordinar to him, that thereby his generosity might be engaged to shew him mercy. There are some, I know, will still object, that the Kings of Israel, though most wicked, and in effect Tyrants and oppressours, as *Saul*, *Zedekiah* and others, yet they did still remain Just and lawfull Magistrates untill the day of their death, and the people gave obedience to them as such; as also when the people of Israel were subdued by *Nebuchadnezar*, though in effect a wicked Tyrant and oppressour, yet the people are then injoynd to give obedience to him, as their Magistrate in all things lawfull. From what has bin sayd already it does clearly appear, that when once a Magistrate does degenerate unto a Tyrant, he can no more be accompted a Just and lawfull Magistrate, then that man, who committes all manner of Villany, and knavery can be sayd to be an honest man from what he has bin formerly. And as for *Saul*, we finde that no sooner he had committed Rebellion against God, but as soon the Prophete *Samuel* is sent to tell him, that the Kingdome was rent out of his hand; and accordingly *David* was anointed King in his place:
and

and in respect that the people did not performe their part in a formall divesting him of the power and establishing of *David*, they were made sufficiently to smarte for it: for he killed fourscore of the Priests of the Lord: and when forefaken of the Lord, went to the Divell for councill, and when invaded by the enemy he and they both were destroyed, and the curse of God did lye heavily upon the Kingdome for his sake, so that much blood was shed, till that *David* was put in full possession of that, which was his Just and proper right. And although *Dauids* heart did smite him, so that he could not kill him in the cave, from these reasons following. First, That God honour'd him, makeing him King; and that he was not as yet formally divested of the power. Secondly, That he was his Father in Law. Thirdly, He vvas a brave man, as appeares from that commendation *David* gives him after his death; that his bovy did never return empty; Fourthly, The braveness of *Dauids* spirit; yet *David* vvanted not a purpose to have done it in Battel, as vve may finde from these vvords, some one day or other he shall fall in Battel. And it could be for no other end, that *David* did keep so many in armes vvith him; for if he had looked upon him to have bin the Just and lavvfull Magistrate, it had bin usurpation and Rebellion in him to have accepted of that right, vvhich the Prophete had given him. And as for *zedekiah*, he did not so formally breake to the people, as he and they vvient alongst together in Apostacy and defection from God, as is clear from that Scripture, *Jerem.* 38. ver. 5, 24, 25. vvhen the Princes besought that *Jeremiah's* life might be taken. Then *Zedekiah the King sayd*, behold, he is in your hand; for the King is not he, that can do any thing against you; and yet vve finde, that the Lord declared him to have no right to Reign, as in that Scripture, *Ezek.* 21. ver. 25, 26, 27. And thou profane, wicked Prince of Israel, whose day is come, when iniquity shall have an end, 26. Thus sayeth the Lord God, remove the Diademe, and take off the Crown, this shall not be the same, exalt him that is low, and abase him that is high. 2. I will overturn, overturn, overturn, and it shall be no more, till he come whose right it is, and I will give it him. As also vvhen they vvere delivered into the hands of *Nebuchadnezar*, they vvere commanded to renounce all alleadgeance in *Zedekiah*, and to take protection from *Nebuchadnezar*, as prisoners of War, and

and so submit to him in all things lawfull, as their Magistrate, for a time; untill God should deliver them out of his hand.

Having novv in some measure held forth and discovered vvhat it is that makes a Just and lawfull Magistrate, and continues him such and thereby discovered, vvhat it is that makes a Tyrant; It remains novv to be spoken to, vvwhether a people are obliedged to svveare and keep alleadgeance, and do the same duty to a Tyrant; that they are to a Just and lawfull Magistrate.

That it is the duty of a people to svveare, and keep alleadgeance to a Just and lawfull Magistrate, is not in the least to be questioned; for thereby a Magistrate is in a capacity to do the duty of a Just and lawfull Magistrate to his people, and vvithout it he is not: but to svveare Alleadgeance to a Tyrant, is most vvicked and sinfull. For Just and lawfull Magistrates are ordinances of God, for his Glory and the good of the people, as the true and reall Ministers of God, for the peoples good, but Tyrants and oppressours are only raised up by the Lord, for Judgements and plagues to a people, for their disobedience to God. For God never gave a right to Tyrants and oppressours to govern his people, but ordained them for a peoples punishment, according to that povver, that the Divell has; for he has a povver, both to tempt to sin, and also the punish for sin; Although God has him allvvayes restrained as to both; such is the povver of Tyrants and oppressours; for as they are plagues and Judgements against these parts of the vvorld, vvhere they have povver, by robbing them of their rights and priviledges, so are they also by tempting people to sin against God; to vvwhich assercion the Christian vvorld this day may give their vvitness; as in Brittain, Ireland, France, and other parts of the vvorld, not only have they bin robbed of their rights and priviledges, but all manner of vvays used to make them sin against God. And as it is a great and Rebellious sin against God to enter in any Compact, or Covenant vvith the Divell, to maintain and keep up him in his vvicked povver, so it is the very same, to enter in any Compact or Covenant vvith Tyrants, and oppressours to maintain and keep them up, in their vvicked povver; for thereby Satans Kingdome is maintained and kept up; vvwhich I prove thus, such as do svveare to maintain and keep up those, vvho do maintain
and

and keep up Satans Kingdome; do svveare to maintain and keep up Satans Kingdome; but such as do svveare to maintain and keep up Tyrants and oppressours, do svveare to maintain and keep up those, vvho do maintain and keep up Satans Kingdome, *Ergo*, they do svveare to maintain and keep up Satans Kingdome; for as Hell and Divells are immediately opposite, and contradictory to Heaven and those holy Spirits, vvvhich are there; so Tyranny and oppression; Tyrants, and oppressours are the same opposite and contradictory to the true ordinance and Ministers of God here on earth, and it does most natively followv, that vvhatsoever vvickedness they do commit, or innocent blood they shed; their concurrence is not vvanting thereto; and that they are guilty thereof; vvvhich I prove thus, such as do maintain and keep up a Tyrant and an oppressour in a vvicked and tyrannicall povver, are guilty of all his vvickednesses, Tyranny, and bloodshed, but such as do svveare Alleadgeance to a Tyrant, and an oppressour, are thereby obliged to maintain and keep him up in that vvicked and tyrannicall povver, *Ergo*, they are guilty of all his vvickedness, Tyranny and bloodshed; yea if it vv ere in their povver by a good vvish, or prayer to God, or other indeavour to do good to the interest of God, thy can not give it, or do it; for so long as they stand under that Alleadgeance in the doing of any of these things they commit perjury. I knowv some do object, and say that vvicked Magistrates, yea Tyrants and oppressours are raised up by the Lord as plagues and Judgements against a people for their sines, and therefore they are obliged patiently to bear the same from Gods hand, vvithout vseing any resistance vvhatsoever; and accordingly to pray to God for those Tyrants, that the Government may be blessed to them. That they are raised up by the Lord as plagues and Judgements against a people for their sins, as also that a people are obliged patiently to endure, and bear the same tovwards God, no vvays freteing at the dispensation of God therein, knowvving it be the Just, and reall effects and fruits of sin; as also to pray for them, is not in the least to be questioned: but that a people should stupidly lye under the same, vvithout vseing any indeavour to remove the same, is a most vvicked delusion: for certainly all people vvhatsoever are obliged to use all means and indeavours vvhatsoever Religious and morall

morall to the removing of plagues and Judgements from a Land, if it were even by prayers, teares and fastings; yea fire and sword. For as it is sin that brings them on, so it is sin that keeps them on; and as it is a peoples duty most circumspectly, and with all diligence to guard against those sins, that may bring on plagues and Judgements, so it is their duty to put away those sins, that does continue them, and use all indeavours to remove the same; otherwayes they will be found guilty of as great Rebellion against God by doing that, which keeps them on, as by doing that which brought them on, though it were no more but even in the very remissness of their duty. If any person through the excess of Drunkenness should have so wasted and consumed his body, that nothing but death in a very short time were expected, and if an Eminent Physician should advise him to a more temperate and moderate life as the only certaine mean, whereby to recover his health and strength and to continue his dayes longer in the world; if he should answer, that as by the excess of Drunkenness he had brought on that punishment upon himself, and being convinced of it's being the native and proper effects of his sin, so he would indure the same patiently without using any mean or indeavour to remove the same, and would still go on in his Drunkenness praying to God to bless that unto him and make the same effectuall for his health and strength, would he not be accompted by all understanding and good men a fool and a mad man, and a destroyer of both soul and body. Now when a people through their madnes and folly have enlarged the power of Kings beyond those due limites, that the Word of God, and reason, yea and the Lawes of the Kingdome have set thereto, or if they by force and treachery have done the same, so that both God and the people are robbed of their right, and they become Tyrants and oppressours; if they should not only be remiss as to all indeavours whatsoever, whereby to extricate and deliver themselves from those plagues and Judgements, but go on in that very course of sinning against God, by which they did bring them on, praying to God for the long Reign and prosperity of those Tyrants and oppressours, and that the Government might be blessed unto them, could they be accompted any thing else then fools, and mad men; rebelles and enemies to God and his Ordinance, yea be-

trayers and destroyers of their own rights, liberties, peace, good and prosperity in the world; for if there were a Company of Thieves and Murtherers, who by their cunning and force were most dexterous, and active in robbing, and murthering upon all occasions, and if the people should pray only to convince them of their sin and reclame them from the same without haveing the least desire to God, that they might be apprehended, and Justice execute upon them, that so God might be Glorified, and those plagues and Judgements removed from a Land; certainly these would be but very lame prayers: but if these thieves and murtherers upon some great designe of their own, and for the advancement of their own interest, should for a time shew great mercy and favour, and if the people then should pray that they might live long and prosper, and that, that domineering and tyrannicall power of theirs might be blessed to them, certainly this would be great Rebellion against God, their own rights and liberties: and there is nothing more certain then, that Tyrants and oppressours are the greatest Thieves and Murtherers in the world; for where common and ordinary Thieves do rob and murther their tens, or twentyes, they do rob and murther their thousands, and millions; for whole Kingdoms and Nations do thus suffer by them, and though it be lawfull, and duty to pray, that God would convince and reclame such, and that with mercy to their Souls, yet this must never be wanting, that God would bring down those Thrones of iniquity, and cause Justice overtake those Tyrants and oppressours, that God may be glorified and the Land delivered from such plagues, and Judgements: and as it is the duty of every true Christian, so often as he minds the interest of his own Soul, not to forget the interest of God, but to pray that Gods Kingdome may come, and his will be done in Earth as it is in Heaven; and that all stopes and letes may be taken out of the way of his Kingdome and Glory; and in a speciall manner Tyrants and oppressours, those stoopes and pillars of that Antichristian and Satanicall Kingdome in the world may be brought down, and levelled with the dust; so it is the absolute duty of all Christians, to do it with hearts fully purposed and determined to serve God in this very matter, and to this very end; and to pray that God would give them occasion thus to Evidence their love, zeal; and

and faithfullness for him ; that so they may not be reckoned amongst those cursed and useles creatures for God in their generation , and such , whose hearts are not thus determined will be so far from being found to answere the design and end of the second Article of our Lords Prayer , that they will be found but mockeres and dissemblers of God. Now that all true Christians may thus pray and do , is the earnest desire of him , who desires and hopes to be and continue a true lover of God , his interest , and all such as are the true lovers thereof in the world.

F I N I S.